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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of the Commission's
Rules to Establish New Personal
Communications Services

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GEN Docket No. 90-314
RM-7140, RM-7175, RM-7618

MOTION TO ACCEPT LATE-FILED COMMENTS

Hewlett-Packard Company ("HP"), pursuant to Section 1.46 of the Commission's Rules, respectfully requests that its attached Comments on the UTAM Plan for Financing and Managing 2 GHz Microwave Relocation be made a part of the record in this proceeding, even though its submission is being filed after the September 12, 1994 deadline. The filing delay was caused by the unavailability of key personnel and the fact that HP has needed to coordinate its comments with personnel working outside the United States.

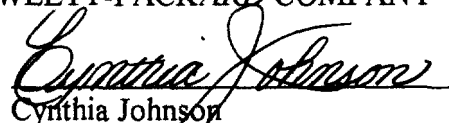
HP has been an active participant in the above-captioned proceeding. As one of the companies that expects to deploy unlicensed PCS devices, HP will be directly affected by the manner in which UTAM manages the early deployment of coordinatable devices and the relocation of microwave systems currently operating in the 2 GHz band. Consideration of the attached comments will, therefore, provide the Commission with a more complete record, and the brief delay in submitting these comments will not prejudice the interests of other parties.

For these reasons, HP asks that the Commission grant this motion.

Respectfully submitted,

HEWLETT-PACKARD COMPANY

By:


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**COMMENTS ON THE UTAM PLAN FOR FINANCING AND MANAGING
2GHz MICROWAVE RELOCATION**

Hewlett-Packard Company ("HP") appreciates the opportunity to submit comments on UTAM's plan for the financing and managing of 2GHz microwave relocation.

HP supports UTAM's endeavors to bring about a fair and equitable process for the relocation of incumbent microwave users in the 2GHz band and thus providing spectrum for a new class of unlicensed PCS devices.

The issues facing UTAM are many and varied, and HP recognizes that any plan will have to be a best compromise between the various parties involved; HP believes that, generally, UTAM has struck this balance.

There are, however, several issues that HP considers of particular significance and that require comments.

I. A WARNING PERIOD PRIOR TO A "STOP DEPLOYMENT" ORDER IS ESSENTIAL, AND A "STOP DEPLOYMENT" ORDER SHOULD ONLY BE ISSUED WITH FCC APPROVAL.

Section VII.D.1a (Zone 1 - Approved for Limited Deployment) of the Plan identifies a Zone 1 where coordinated U-PCS devices may be deployed subject to a ceiling on the aggregate power level of the U-PCS devices deployed within the zone. The Plan then describes a process where

UTAM will issue a **"stop deployment"** order to manufacturers if the aggregate power of deployed devices approaches the permitted maximum power levels. The Plan also allows for a margin to account for "sales in progress."

In providing a margin to account for "sales in progress," the Plan has recognized the realities of selling a product through what may be a long selling channel, and consequently this margin provides protection for the incumbent microwave users against an "overshoot" of sales.

However, the realities of manufacturing lead times have not been taken into account. Manufacturing cycle times are substantial and are compounded by delays through the selling channel. A manufacturer, if it is to be successful, must have continued access to the marketplace. If, as proposed in the Plan, UTAM can enforce a **"stop deployment"** order on manufacturers, then continued access to the market is denied and severe negative financial impact is borne by the manufacturer.

HP recognizes the need for control over the deployment of coordinated U-PCS devices to prevent unacceptable interference to incumbent microwave users. However, UTAM should take additional steps to protect the needs of manufacturers by providing additional notice regarding potential **"stop deployment"** orders.

In managing the deployment of coordinated U-PCS devices, UTAM will have access to a multitude of data representing sales trends, interference levels and new microwave relocations. This data should be sufficient to project with reasonable confidence when a **"stop deployment"** order will be issued. Using this data, advance warning of a **"stop deployment"** order could be determined and thus issued to manufacturers, who can then make plans accordingly.

However, since a "stop deployment" order will have a significant and potentially damaging effect on the business of the U-PCS device manufacturer, the appropriate safeguards must also be incorporated in the plan for the protection of the manufacturer. Thus in the situation where a

"stop deployment" order is anticipated, it should be incumbent on UTAM to seek approval from the FCC for the issue of such an order.

Furthermore, given current manufacturing practice, HP suggests UTAM provide the maximum notice that is reasonably possible, and in all cases should use reasonable best efforts to provide at least six months' prior notice of a "stop deployment" order.

II. THE CLEARING PROCESS SHOULD FOCUS ON CLEARING TO ACHIEVE ZONE 1 AREAS.

Section V of the Plan discusses the Band Clearing Process and, in particular, Section V.C discusses the Priorities for Clearing. Further, in section VII.D, the coordination process is discussed and reference is made to two zones, Zone 1 and Zone 2.

These zones exhibit different risks of potential harmful interference to existing microwave users and thus require different deployment processes, as identified in Sections VII.D.1a and 1b.

However, there has been no attempt in the Plan to indicate what priority would be attributed to clearing zones of the two types. Zone 1 deployment is clearly the optimum case, where minimum interference to incumbent microwave users is expected, and site-specific coordination is not required.

The Plan should clearly state that, in addition to the priorities already outlined, Zone 1 clearing will be the priority.

III. ZONE STATUS MUST BE REVIEWED AFTER EVERY MICROWAVE RELOCATION.

The plan only specifies the zoning of geographic areas as part of the "early deployment of coordinatable unlicensed PCS systems and devices." In Section VII.D.3 the Plan specifies different deployment procedures for each zone, the deployment for Zone 2 equipment being more onerous than that for Zone 1.

As the clearing process proceeds, and the distribution of microwave links changes, so will the susceptibility to interference change. Following each Microwave Link's relocation, the coordination distances surrounding that Link must be recalculated and, if new zone criteria are met, a change in the area's zone status must be declared.

IV. HP FULLY SUPPORTS THE INTENT OF UTAM TO ALLOW MANUFACTURERS TO DETERMINE THEIR OWN TEST METHODS FOR COMPLIANCE TO THE DISABLEMENT AND LOCATION VERIFICATION PROCESSES AND WISHES TO CLARIFY THAT ATTACHMENT F IS ONLY AN EXAMPLE.

In Section VII.D.2a the Plan acknowledges that "[m]anufacturers will be permitted to develop their own mechanisms or procedures for enabling UTAM to make verifications," where verifications in this context means verification of a coordinated device's location. HP fully supports this proposal, since it is essential for the creation of an environment where new, and as yet unknown products might be developed.

In Section VII.D.2b, the Plan further acknowledges that a manufacturer will be similarly permitted to devise methods to meet the disablement requirements of coordinated devices, and to test for their compliance. Again, HP fully supports this position.

In the context of Disablement Compliance Testing, HP notes that the Plan, "to assist" the industry, provides as Attachment F an example of a "testing procedure that could be used to demonstrate compliance with the rules". HP is concerned that the Attachment is confusing in places, and questions parts of its relevance to Disablement Compliance Testing. HP is most concerned that the example will be misleading to industry participants. In particular:

- On Page 3 of Attachment F "Compliance Certification Test," this section intends to test compliance to the *disablement* requirements placed on a coordinated U-PCS device by the FCC. It is not clear therefore in "Step 1," why the size of the system is important; the system either disables itself or it does not -- there are no halfway measures. If this test were to measure aggregated power levels, then having a representatively sized system is

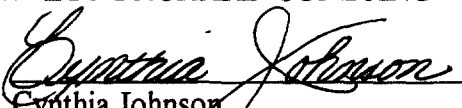
understandable, but this test is not measuring aggregate power levels, nor is it required to (apart from a gross measure of whether it is transmitting).

- The definition of a "System" in the context of a Location Verification Process ("LVP") is simplistic and a definition of a message is not addressed.
- The example on page 4 of the attachment is unclear, which may undermine confidence in the attachment. As currently worded, it sounds as if an installer would first install a system, *and then* determine if the geographic area is a UTAM-authorized area.
- Disablement when Moved Requirement, Step 6: Storage of fixed part for 8 hours -- presumably this is for those systems which would disable after power is removed, but having some short backup against unexpected power failure. Presumably if a manufacturer can show that his equipment is disabled in less than 8 hours, then he should be able to proceed with the test after this shorter period.

Given the erroneous aspects of Attachment F, some of which have been highlighted above, HP wishes to clarify and establish that the example in Attachment F is merely one example. Should other methods of testing be shown to demonstrate compliance to the rules, even if not following the lead given by Attachment F, then they should be deemed satisfactory.

Respectfully submitted,

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